

## WORKFORCE DEVELOPMENT DEPARTMENT[871]

### Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 96.11, the Director of the Department of Workforce Development hereby gives Notice of Intended Action to amend Chapter 23, “Employer’s Contribution and Charges,” Iowa Administrative Code.

These proposed amendments update, clarify and simplify the procedures by which claimants and employers interact with Iowa Workforce Development. The amendments also bring the rules up to date by reflecting changes in technology and efficiencies developed within the agency since the affected rules were adopted. The agency needs to have administrative rules that address these changes.

Any interested person may make written or oral suggestions or comments on the proposed amendments on or before August 22, 2017, by sending them to David J. Steen, Attorney, Iowa Workforce Development, 1000 East Grand Avenue, Des Moines, Iowa 50319-0209. Comments may be sent electronically to [david.steen@iwd.iowa.gov](mailto:david.steen@iwd.iowa.gov).

These amendments do not have any fiscal impact on the State of Iowa.

Waiver provisions do not apply to this rule making.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapter 96.

The following amendments are proposed.

ITEM 1. Amend subrule 23.2(2), introductory paragraph, as follows:

**23.2(2) Wages paid.** Wages for employment during a calendar quarter consist of wages paid during the calendar quarter. Wages earned but not paid during the calendar quarter shall be considered as wages for employment in the quarter paid. The ~~Employer’s Contribution and Payroll Report, Form 65-5300,~~ employer’s contribution and payroll shall be used as prima facie evidence of when the wages were paid. If the wages are not listed ~~on the 65-5300~~, they shall be considered as paid:

ITEM 2. Amend rule ~~871—23.8(96)~~, catchwords, as follows:

### **871—23.8(96) Due date of quarterly reports and contributions contribution and payroll.**

ITEM 3. Amend paragraph **23.8(1)“b”** as follows:

*b.* If any due date prescribed in this rule falls on a Saturday or Sunday, or a legal holiday, the due date shall be the next following business day. Quarterly ~~reports~~ wage detail, contributions, and payments in lieu of contributions, if mailed, shall be considered as received on the date shown on the postmark of the envelope in which they are received by the department.

ITEM 4. Amend subrule 23.8(2) as follows:

**23.8(2) Regular due date.** Each covered employer subject to Iowa Code section 96.7 shall file with the department quarterly ~~reports~~ contribution and payroll on or before the due date, and any employer failing to file a quarterly ~~report~~ when due shall be delinquent.

ITEM 5. Amend paragraph **23.8(6)“a”** as follows:

*a.* A quarterly ~~report~~ wage detail or contribution payment or payment in lieu of contributions which is not received on or before the due date is delinquent. An employer who fails to file quarterly contribution and payroll on or before the due date ~~a contribution and wage report~~ shall pay to the department for each such delinquent ~~report~~ quarter, subject to waiver for good cause shown, a penalty

as provided in Iowa Code section 96.14(2). No penalty shall apply to delinquent ~~reports~~ quarters when the employer proves to the satisfaction of the department that no wages were paid.

ITEM 6. Amend subrule 23.8(8) as follows:

**23.8(8) Extension of time.** Upon written request filed with the department before the due date of any contribution ~~report and payroll~~, the department may, for good cause shown, grant an extension in writing of the time for filing ~~of the report~~ and the payment of the contributions, but no extension shall exceed 30 days and no extension shall postpone payment beyond the last day for filing tax returns under the Federal Unemployment Tax Act. If an employer who has been granted an extension fails to pay the contribution on or before the termination of the period of such extension, interest shall be payable from the original due date as if no extension had been granted.

ITEM 7. Amend rule 871—23.9(96) as follows:

**871—23.9(96) Delinquency notice.** Within 20 days from the delinquent date for filing ~~Form 65-5300, Employer's Quarterly Contribution & Payroll Report~~ employer's quarterly contribution and payroll, a ~~Delinquency Notice, Form 65-5313,~~ delinquency notice will be sent to all employers from whom no ~~report~~ information has been received. Such notice shall state the employer's name, account number, experience rate, and the quarter for which ~~the report needs~~ contribution and payroll need to be made. The notice will be sent or e-mailed to the employer's last-known address, e-mail address, or place of business. If the employer has sold or dissolved the business, the employer shall ~~fill out the information section on Form 65-5313, showing~~ show the date of the last wages paid and the date of last employment. If the business was sold or transferred, the employer shall ~~show~~ provide the name and address of the successor and the employer's future mailing address. ~~Such notice shall then be returned to the department for a change of status determination.~~

ITEM 8. Rescind subrule 23.10(2) and adopt the following new subrule in lieu thereof:

**23.10(2)** At the end of each calendar quarter, the department shall bill each reimbursable employer. This statement shall be sent to the employer within 30 days of the quarter for which the benefits are charged and shall set out the social security number, name and amount of benefits charged to the employer for each such claimant together with the amount of any previous charges remaining unpaid and interest to the end of the quarter for which the statement is rendered. Payment of each quarter's charges shall be due within 30 days of the date the statement is sent. If the employer fails to reimburse the department within the period prescribed by these rules, the department may attempt collection of the amount due including any of the following methods:

- a. Issuance of Notice of Jeopardy Assessment and Demand for Payment.
- b. Issuance of Notice of Lien.
- c. Any other actions as prescribed by the law or these rules including collection by distress warrant. Interest on delinquent reimbursable benefits shall be charged at the rate of 1 percent per month or one-thirtieth of 1 percent per day from the date payment was due until the date of payment.

ITEM 9. Amend paragraph **23.13(3)"a,"** introductory paragraph, as follows:

a. Any employing unit may file an election, ~~on Form 68-0599,~~ to cover under the law of a single participating jurisdiction all of the services performed for the employing unit by any individual who customarily works for the employing unit in more than one participating jurisdiction. Such an election may be filed, with respect to an individual, with any participating jurisdiction in which:

ITEM 10. Amend paragraph **23.13(5)"a"** as follows:

a. The electing unit shall promptly notify each individual affected by its approved election ~~on Form 68-0601 supplied by the elected jurisdiction,~~ and shall furnish the elected agency a copy of such notice.